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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,731	12/21/2001	Jeffrey G. Tarrant	61109-0003	5039
9629 7590 03/19/2008 MORGAN LEWIS & BOCKIUS LLP 1111 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20004				
EXAMINER				
MILET, ELDA G				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/029,731

Applicant(s)

TARRANT, JEFFREY G.

Examiner

Elda Milef

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Summary of Status of the Claims

1. Claims 1-14 are pending.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/11/2008 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 6,8, 9-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bettis et al. (U.S. Patent No. 7,016,872) in view of Kam et al. (US PG. Pub. No. 2001/0042037).

Re claim 1: Bettis disclose:

(a) receiving data regarding a particular investment over a computer network from a first user computer ("individual/entities may provide all confidential data to the administrator of the scoring/ranking system of the present invention...")-see col. 4 (24-28), col. 12, col. 16 (14-28) Figure 20; (b) storing the data from the first user in a relational database-see Fig. 20 (294). Although Bettis do disclose confidential and nonpublic information is provided to administrator of the scoring/ranking system, Bettis do not specifically disclose the data is from the computer associated with the first user. Kam however, teaches a system of performance ranking of advice so that the investor knows the track record of a particular advisor and ranking investors as Best Investor Members. Kam further teaches ("the computer system spans and facilitates all the BI, subscriber and public communication interactions and back room operations of the inventive business model and system of the invention. The interactive arrows to and through the computer system and operations indicate that the respective features and

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interactions are computerized and pass through and are executed via computer system 40").-see para. 72 and Fig. 2, pars. 29, 33, 35, 79. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Bettis to specifically include that the data regarding an investment is transmitted from the investor's computer as taught by Kam, in order to provide a system that will process the transmitted data resulting in ranking of the investor based partly on investment decisions.

Bettis further disclose:

identifying the data as coming from the first user, wherein the first user is identified as a member of a hierarchy of sources organized by level of trustworthiness("In addition to listing the highest performing investors, interface 500 may also be linked to or used to display information concerning each investor and /or the corresponding security...")-see col. 16 (14-28) and Figs. 7 (710), ("The Insider Scoring is an insider performance measurement. In this example, all of the insiders listed in, for example, a database, in this case, the Insider Universe, are evaluated.")-see col. 4 (32-35);

(c) receiving a request over the computer network from a second user for data from the relational database regarding

the particular investment ("In use, a user may advantageously view the information...the highest performing investors with respect to either buy and/or sell transactions...")-see col. 16 (52-60), and figs.5&6; and

(d) in response to the request from the second user, transmitting the data from the relational database to a second user computer-see Figs. 5-6B, and 20, wherein, absent a request from the second user for data from a specific source or level of trustworthiness, the data transmitted comprise data from users of the highest level of trustworthiness available-see Fig. 5 ("Insider Scoreboard"), col. 15 (30-40).

Re claim 2: Bettis disclose wherein the data received from the first user comprises alternative investment data.-see col. 16 (14-60).

Re claim 3: Bettis disclose wherein sources of at least one level of trustworthiness comprise investment managers, fund administrators, or fund sponsors. ("In addition, it should be noted that although in this particular embodiment corporate securities are mentioned as being one example of the investor's trading decision or investment, the instant invention is also applicable to and should be construed as encompassing any other form of similar investment. Some examples include bonds, currencies, commodities, paper, precious metals,

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minerals, natural resources, mutual funds, and the like or any other analogous investments and/or investment entities.") -see col. 15 (58-67). ("Furthermore, the concepts of the present invention are applicable to entities investing in investments other than securities, such as bonds, mutual funds, or any other similar investments.")-see col.17 (26-30) also, see col. 12 (6-12), and fig. 1.

Re claim 4: Bettis disclose:

wherein sources of at least one level of trustworthiness comprise investors, and wherein the at least one level of trustworthiness whose sources comprise investors is subdivided into two or more sublevels that are determined at least partly by reliability of previously submitted information.-see col. 15 -col. 16; col. 3 lines 24-65.

Re claim 6: Bettis disclose:

wherein the alternative investment data from the first user comprises fund data.-see col. 15 (58-67).

Re claims 8, 10-13: Further a system would have been necessary to perform the method of previously rejected claims 1, 2-5 and are therefore rejected using the same art and rationale.

Re claim 9: Bettis disclose:

(a) a central database;

(b) a central server linked to the central database and linked to a computer network; wherein the central database is a relational database configured to identify at least some data with the source of the data; and wherein each data source is designated as a member of a hierarchy of sources organized by level of trustworthiness.-see Figs. 7-15, Fig. 20, cols. 23-26.

Re claim 14: Bettis disclose:

(a) providing over a computer network in a secure manner to a central server data regarding one or more alternative investments, wherein the alternative investment data comprises financial data and information indicating at least one source of the financial data;

(b) requesting information regarding one or more alternative investments; and

(c) receiving information comprising the requested information;

wherein the central server is in communication with a central database that is a relational database configured to identify at least some data with the source of the data; and

wherein each data source is designated as a member of a hierarchy of sources organized by level of trustworthiness.

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-see cols. 4 (24-25), col. 12, col. 16 (14-28), figs. 7, 20.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bettis in view of Kam in further view of Gatto (US Patent No. 6,681,211).

Re claim 5: Bettis disclose:

wherein sources of at least one level of trustworthiness comprise investors, and wherein the at least one level of trustworthiness whose sources comprise investors is subdivided into two or more sublevels-see col. 15 (30-40), col. 16 (15-60), col. 17; see col. 2 lines 3-9;

Bettis and Kam do not specifically disclose wherein an investor's sublevel is determined at least partly by the amount of demand for the investor's information by other investors. Gatto however, teaches ("A user may divide broker lists by size, reputation, historical accuracy, affiliation with a stock (e.g., market maker, etc.), or other criteria...For example, larger brokerage firms or firms with better reputations may be classified in Group #3 and given a higher N-score.")-see col. 21 (50)-col. 22 line 1. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Bettis and Kam to include grouping brokers according to user specified criteria such as reputation as taught by Gatto in

order to classify brokers into groups according to attributes that are important to the user to aid the user in investment decisions.

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bettis in view Kam, in view of Harris (US Patent No. 5,517,406) in further view of Gatto (US Patent No. 6,681,211).

Re claim 7: Bettis and Kam do not specifically disclose (a)attempting to match an unrecognized fund with existing fund records; (b)if no match is found, searching existing fund records using a sounds-like function; (c)if no match is found by step (b),identifying the unrecognized fund as a new fund. Harris however, teaches ("if the company is new for the account, then in step 1608, the fund table for the new management company is loaded.")-see col. 14 lines 10-16, col. 14 line 65-col. 15 line 3.

Bettis, Kam, and Harris do not teach (d) if multiple matches are found by step (b), transmitting a list of the matches to the first user, with a request to identify the correct fund. Gatto however, teaches matching strings (data elements in programming languages)-see col. 9, lines 10-22, and the user selecting the

desired string from a list of matches. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Bettis and Kam to include matching unidentified data with existing records to determine if data is new to the system as taught by Harris and providing a list of matches to the user in order to select the desired string as taught by Gatto in order to detect possible errors and maintain data integrity.

Response to Arguments

6. In response to the applicant's argument that Bettis's scoring and evaluation techniques do not relate to, use, or describe any hierarchy of sources organized by level of trustworthiness. The examiner notes that in the previous office action, a dictionary and thesaurus were cited under the conclusion portion, as prior art considered pertinent to this application. In particular, the thesaurus discloses the term "reliable" as being synonymous with trustworthy. Bettis disclose a system, method, and computer readable medium for providing not only information concerning an insider or trader's actions but also information pertaining to the reliability of a particular insider's or trader's actions as well as evaluating the insider's or trader's performance-see cols. 3-4, 12, 15-17. The evaluation of performance is based on returns observed after

decisions concerning buying and selling activity, historical consistency at picking good entry and exit points, and/or the number of buying or selling decisions made by the insider or investing entity. This evaluation includes determining a performance score indicative of the investor's performance relative to other investors. In addition the performance score is also determined by a historical consistency of the investor's performances with respect to transactions involving the investment, and the number of transactions involving the investor. The performance score is used to produce a ranked list of investors in a particular industry, as well as with investors in different industries.

Therefore, it is obvious from the teachings of Bettis that the investor or trader's performance score is reflective of the reliability of the trader/investor in light of many factors including historical performance and the ability to pick good entry/exit points when deciding to buy/sell securities.

In response to the applicant's argument that Bettis do not show the claimed limitation "absent a request from the second user for data from a specific source or level of trustworthiness, the data transmitted comprise data from users of the highest level of trustworthiness available." The applicant's attention is directed to col. 15 lines 30-37, and

Figs. 5 & 6A, 6B wherein Bettis disclose ("Referring to FIG. 5, one example of a user interface 500 utilizable for displaying, for example, investor performance scores is illustrated. In FIG. 5, the user interface displays a wide variety of information including the performance scores of a number of investors 510. In this example a predetermined number of high performing investors with respect to both buying and selling transactions for a particular date are listed. Alternatively, the user may just as easily elect to view a list of only the investors having the highest selling transaction performance scores..."). Figs. 6A and 6B display to the user data from the top 5 most predictive insider buyers and sellers. As disclosed by Bettis, the user is initially shown the information in Fig.5 and if he/she desires, may select a different view of only investors having certain characteristics. Further support for this limitation can be found in col. 16, in particular lines 14-28.

Regarding the argument that Kam do not disclose anything relating to trustworthiness. The applicant's attention is directed to the Abstract and para. [0020-0023], wherein Kam disclose ("Performance ranking of advice is provided so that the investor knows the track record (ranking), on an ongoing basis, of a particular advisor, thereby establishing credibility of comments...).

Conclusion

7. All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elda Milef whose telephone number is (571)272-8124. The examiner can normally be reached on Monday -Thursday 8:30 am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on (571)272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kambiz Abdi/ Elda Milef
Supervisory Patent Examiner, Art Unit Examiner

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